The Planning Inspectorate

Appeal Decision

Site visit made on 8 January 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2020

Appeal Ref: APP/B3438/D/19/3240097
5 Oak Mount Road, Werrington ST9 0BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
- The appeal is made by Mrs Deborah Lycett against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2019/0214, dated 3 April 2019, was refused by notice dated 12 August 2019.
- The development is the retention of a fence.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The fence has been erected and from my inspection of the plans it appears that it matches with what is being sought planning permission for.

3. I noted during my visit that the fence appears to be set back slightly from the highway. However, the gap between the two is negligible and for the purposes of this appeal I am treating the fence as being adjacent to the highway. Thus, by virtue of its height and location, it is a development that requires planning permission.

Main Issues

4. The main issue is whether the fence has harmed the character and appearance of the area.

Reasons

5. The appeal site comprises a substantial brick-built detached house located close to the entrance of a modern residential estate in Werrington, near Stoke-on-Trent. The property is orientated side on to Oak Mount Road and has quite a wide driveway.

6. In February 2019 the appellant had a solid wooden fence constructed in order to enclose that part of the garden that lay between the side of the house and Oak Mount Road. The fence comprises 2 long sections and one short section. The first long section steps up from the side of the dwelling along the driveway to the pedestrian pavement. The second long section runs parallel with the pavement. The final section turns a short distance towards the neighbouring property. According to the plans submitted by the appellant the fence is 1.7

metres high and is punctuated by concrete pillars of similar height approximately every 2 metres.

7. Around the housing estate I saw a variety of boundary treatments and I have noted the pictures of various properties within the neighbourhood submitted to me by the appellant. Some properties were bounded by low privet hedges, some with low brick walls and one with a high brick wall. Generally, however, I found that the forms of boundary treatment were low and unobtrusive but were nevertheless sufficient to clearly demarcate public from private space. Because of the open nature of the views around the estate, the shrubs and small trees in the front gardens could clearly be seen meaning that the soft, landscaped private spaces between the road and the dwellings were an important and intrinsic element of the character and appearance of the area.

8. Because of its location and its height, the fence is a very prominent feature. Drivers and pedestrians entering the estate clearly see both longer sections of the fence which, because of its hard, solid nature, virtually eliminates visual permeability into the appeal property's garden area, including the lower part of an attractive, mature tree. It also severs the view towards the adjacent dwelling and its front garden area. Those passing by from the other direction will see a long section of solid fence, again significantly reducing views of the softer landscaping.

9. Consequently, I find that the wooden fence is a discordant, alien and harsh feature in the streetscape which jars with the surrounding properties, enclosing a front garden and removing important views of the soft landscaping that are part of the attraction of the housing estate.

10. For the reasons set out above I conclude that the development has harmed the character and appearance of the area. It therefore conflicts with Policy DC1 of the Council's Local Development Framework: Core Strategy Development Plan Document 2014 which seeks to ensure that new development respects the site and the surroundings and promotes a positive sense of place. I also find that it conflicts with the advice set out in paragraph 127 of the National Planning Policy Framework encouraging development that is visually attractive and maintains a strong sense of place.

Other Matters

11. I note that the appellant states that the fence was erected in response to anti-social problems caused by dog mess and litter. Whilst I understand the appellant's response to these actions, it does not outweigh my findings concerning the harm to the character and appearance of the area which the development has caused.

12. The appellant alleges that she only erected the fence after having been told verbally by an officer of the Council that planning permission was not required. Since I am not able to say whether or not this allegation is true, I am not able to take it into account in making my decision.

Conclusions

13. For the above reasons the appeal is dismissed.

William Walton

INSPECTOR